

REMARKS

The Office Action dated April 20, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this amendment, claims 3 and 4 have been canceled and claims 1, and 5-13 have been amended. No new matter has been added. Claims 1, 2 and 5-15 are pending and respectfully submitted for consideration.

Allowable Subject Matter

The Applicants wish to thank the Examiner for indicating allowable subject matter in claims 2 and 9. Claims 2 and 9 were not rewritten in independent form as they depend from claims 1 and 7, respectively, which are allowable for the reasons submitted below.

Claims 14 and 15

As a preliminary matter, the Applicants note that the Office Action Summary states that claims 14 and 15 are rejected. However, there is no description of the rejection of claims 14 and 15 in the body of the Office Action. The Applicants respectfully request the indication of allowance of claims 14 and 15.

Rejection Under 35 U.S.C. § 102

Claims 1, 3-8 and 10-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 07258370 (hereinafter, "JP '370"). As noted above, claims 3 and 4 have been canceled. Claims 5, 6, 10 and 13 depend from claim 1, claim 8 depends from claim 7 and claim 12 depends from claim 11. The

Applicants traverse the rejection and respectfully submit that claims 1, 5-8 and 10-13 recite subject matter that is neither disclosed nor suggested by JP '370.

Claim 1 recites, an anti-bacterial polymer consisting of the vapor deposition-polymerization reaction product of a diaminobenzoic acid monomer and a monomer reactive with the diaminobenzoic acid monomer.

Claim 7 recites, a method for the preparation of an anti-bacterial polymer comprising the step of subjecting a gas obtained by evaporating a diaminobenzoic acid monomer and a gas obtained by evaporating a monomer reactive with the diaminobenzoic acid monomer to vapor deposition-polymerization, in a vacuum, to thus form an anti-bacterial polymer.

Claim 11 recites, a method for preparing an anti-bacterial polymer film comprising the step of subjecting a gas obtained by evaporating a diaminobenzoic acid monomer and a gas obtained by evaporating a monomer reactive with the diaminobenzoic acid monomer to vapor deposition-polymerization on a substrate, in a vacuum, to thus form an anti-bacterial polymer.

JP '370 discloses forming a polyurea film from a diamine component and a diisocyanate component. The diamine component can be 4 and 4'-methylene-screw (2-chloroaniline). The polyurea film is formed by vacuum evaporation polymerization of the diamine component and the diisocyanate component on a substrate front face. See paragraph [0004] of the English language machine translation.

The Applicants respectfully submit that JP '370 fails to disclose or suggest the features of the invention as recited in claims 1, 7 and 11. As noted above, claims 1, 7,

and 11 recite a diaminobenzoic acid monomer. In contrast, JP '370 discloses a diisocyanate component, which is not comparable to a monomer reactive with the diaminobenzoic acid monomer. As such, JP '370 does not disclose or suggest the vapor deposition-polymerization reaction product of a diaminobenzoic acid monomer and a *monomer reactive with the diaminobenzoic acid monomer*, as recited in claim 1; a gas obtained by evaporating a *monomer reactive with the diaminobenzoic acid monomer* to vapor deposition-polymerization in a vacuum, as recited in claim 7; or a gas obtained by evaporating a *monomer reactive with the diaminobenzoic acid monomer* to vapor deposition-polymerization on a substrate, in a vacuum, as recited in claim 11.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). The Applicant(s) respectfully submit(s) that JP '370 does not disclose or suggest a monomer reactive with the diaminobenzoic acid monomer, as recited in claims 1, 7 and 11. Accordingly, JP '370 does not anticipate claims 1, 7 and 11, nor are claims 1, 7 and 11, obvious in view of JP '370. As such, the Applicant submits that claims 1, 7 and 11 are allowable over the JP '370.

Conclusion

Accordingly, the Applicants respectfully request withdrawal of the rejection of claims 1-15, allowance of claims 1, 2 and 5-15 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 026390-00010**.

Respectfully submitted,



Rhonda L. Barton
Attorney for Applicants
Registration No. 47,271

Customer No. 004372
AREN'T FOX PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

RLB/wbp